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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,537	01/04/2002	Dietrich W. Schultz	21540-05742	9387
758	7590	12/02/2004	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/039,537	SCHULTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 January 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12/16/02</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the application filing, Application filed on 1/4/2002.
2. Claims 1-22 are pending in the case, claims 1, 10 and 17 are independent claims.

### ***Priority***

3. Applicant's claim for domestic priority of US provisional applications 60/260,084, filed 1/4/2001 and 60/260,000, filed 1/4/2001, under 35 U.S.C. 119(e) is acknowledged.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- “500” in Figure 5.
- “634” in Figure 6(b).

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities:
  - The disclosure fails to disclose those reference signs listed in paragraph 4 above, which are shown in the drawings.

Appropriate correction is required.

6. The use of the following trademarks has been noted in this application:

- "*Microsoft Window*" on page 13, line 2 and page 26, line 19.
- "*Apple Macintosh*" on page 13, line 2 and page 26, line 19.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

7. The disclosure is objected to because it contains the following embedded hyperlinks and/or other form of browser-executable code:

- "<http://www.client.com>" on page 20, lines 7 and 8.
- "<http://www.client.com/page.html>" on page 20, line 10.
- "<http://www.user.com/products/product1.html>" on page 20, line 12.

Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

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8. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

10. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernardo et al. US Patent 6,684,369, filed 6/19/1998, patented 1/27/2004 (hereinafter Bernardo).

11. Regarding independent claim 1, Bernardo discloses a computer-implemented method of generating a document. Bernardo recites: *"One embodiment of the invention provides a tool, system and method for creating*

*Web sites*" (column 5, lines 29-30), where Bernardo defines "*web sites*" as: "*For example, FIG. 5 depicts the feature of Web site areas. As shown in FIG. 5, the site area options may include a list of predefined site areas such as Company Forms Area, Contact Management Area, Customer Tracking Area, Discussion Area, Document Library Area*" (column 7, lines 26-30).

Bernardo discloses a first user interface used to generate a document template. Bernardo recites: "*A conventional editor may be used to edit HTML objects within the system. A conventional technique (e.g., a computer gateway interface (CGI)) may be used to store the edited HTML objects in the HTML database*" (column 6, lines 10-14).

Bernardo discloses in Figure 3, a second user interface (see reference sign 4, shown as "*Identify Interface*"), which is used to generate document content (see reference sign 16, shown as "*Enter Data*"). Bernardo discloses the functionality of the second user interface as being determined by a user other than the second user. Bernardo recites: "*Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields*" (column 2, lines 49-57).

Bernardo discloses in Figure 3, combining the template and the content to generate the document at reference sign 20 (shown as "*Populate Profile Fields with Data*") and reference sign 22 (shown as "*Create Pages*") and reference sign 24 (shown as "*Publish*").

12. **Regarding dependent claim 2,** Bernardo discloses the functionality of the second user interface as being determined by the first user. Bernardo recites: "*Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields*" (column 2, lines 49-57).
13. **Regarding dependent claim 3,** Bernardo discloses a first server in Figure 1 at reference sign 114 (shown as "*Server*") where the template and content are stored. Bernardo further discloses a second server where the document is stored after the template and content are combined. Bernardo recites: "*Once the approval process is complete, routing module may, at step 24, send the approved (and possibly revised) Web site/pages to server 30 for posting on a network*" (column 8, lines 24-27)

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14. **Regarding dependent claim 4,** Bernardo discloses a second user interface that provides functionality to create content related to the template specified by a first user. Bernardo discloses in Figure 3, a second user interface (see reference sign 4, shown as "*Identify Interface*"), which is used to generate document content (see reference sign 16, shown as "*Enter Data*"). Bernardo discloses the functionality of the second user interface as being determined by a user other than the second user. Bernardo recites: "*Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields*" (column 2, lines 49-57).

15. **Regarding dependent claim 5,** Bernardo discloses a second user interface (as described above) that does not include functionality to create content files related to a second document template that is not specified by the user. Bernardo discloses in Figure 3 at reference sign 6 (shown as "*Present Options/Features*") that restricts the second user from creating content files that are not specified by the first user.

16. **Regarding dependent claim 6**, Bernardo discloses a first user interface used to generate a document template. Bernardo recites: "*A conventional editor may be used to edit HTML objects within the system. A conventional technique (e.g., a computer gateway interface (CGI)) may be used to store the edited HTML objects in the HTML database*" (column 6, lines 10-14).
17. **Regarding dependent claim 7**, Bernardo discloses a template that defines what content data is entered in Figure 13, shown as an "*approval message*" text entry area on the template shown in the figure.
18. **Regarding dependent claim 8**, Bernardo discloses a second user interface as described above. Bernardo also discloses the template defines the functionality available through the second user interface. Bernardo recites: "*The tool further comprises a library of templates (e.g., text, fields, HTML code and formulas) that correspond to the available features and options*" (column 6, lines 34-37).
19. **Regarding dependent claim 9**, Bernardo discloses receiving data defining the content in Figure 8, shown as the "*Text Color*" selection option.
20. **Regarding independent claims 10 and 17**, the claims are directed toward a system and a method for the method of claim 1 and are rejected using the same rationale.

21. **Regarding dependent claims 11 and 18,** the claims are directed toward a system and a method for the method of claim 2 and are rejected using the same rationale.
22. **Regarding dependent claim 12,** the claim is directed toward a system for the method of claim 4, and is rejected using the same rationale.
23. **Regarding dependent claim 13,** the claim is directed toward a system for the method of claim 6, and is rejected using the same rationale.
24. **Regarding dependent claims 14 and 20,** the claims are directed toward a system and a method for the method of claim 7 and are rejected using the same rationale.
25. **Regarding dependent claim 15,** the claim is directed toward a system for the method of claim 8, and is rejected using the same rationale.
26. **Regarding dependent claim 16,** Bernardo discloses a file manager module in Figure 1A at reference sign 138 (shown as “*Workflow Module*”). Bernardo discloses storing a relationship between the template and the content file in Figure 1 at reference sign 166a (shown as “*Link*”).
27. **Regarding dependent claim 19,** the claim contains substantially the same subject matter as claims 4 and 8 combined and is rejected using the same rationale.

28. **Regarding dependent claim 21**, Bernardo discloses content received from a second user. Bernardo recites: "*Another object of the invention is to provide a tool for creating a Web site where the tool comprises a library of stored templates (including fields) associated with different options/features for a Web site, the tool prompts a user of the tool to select desired options/features from a list of possible options/features. Based upon the option/features selected, the tool determines which of the stored templates (and fields) are to be used and the user is prompted to supply data to populate those fields*" (column 2, lines 49-57).
29. **Regarding dependent claim 22**, the claim contains substantially the same subject matter as claim 4, and is rejected using the same rationale.

***Conclusion***

30. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-6,088,710	07-2000	Dreyer et al.
• US-6,134,552	10-2000	Fritz et al.
• US-6,141,666	10-2000	Tobin, William J.
• US-6,185,587	02-2001	Bernardo et al.
• US-6,219,680	04-2001	Bernardo et al.
• US-6,247,032	06-2001	Bernardo et al.
• US-6,304,886	10-2001	Bernardo et al.
• US-6,308,188	10-2001	Bernardo et al.
• US-6,725,428	04-2004	Pareschi et al.
• US-6,772,393	08-2004	Estrada et al.
• US-6,820,235	11-2004	Bleicher et al.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
November 16, 2004



STEPHEN S. HONG  
PRIMARY EXAMINER